

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ARTHUR and RENEE EMBREE,)
vs.)
Plaintiff,) Cause No. 4:20-cv-1679
vs.)
J&M SECURITIES, LLC,)
Defendant.)

**DEFENDANT J&M SECURITIES, LLC'S
NOTICE OF REMOVAL**

COMES NOW Defendant J&M Securities, LLC (“J&M”), by and through its undersigned attorneys, in support of this Notice of Removal, states to this Honorable Court as follows:

THE REMOVED ACTION

1. J&M is a Defendant in a civil action that was brought on or about October 22, 2020, by Plaintiffs, Arthur and Renee Embree in the Circuit Court of the County of Saint Louis, Missouri.

PAPERS FROM REMOVED ACTION

2. Pursuant to 28 U.S.C. § 1446(a), J&M has attached to this Notice of Removal as Exhibit “1,” a copy of the State Court file for the removed case, including a copy of all process, summons and pleadings served on J&M as of the date of removal.

THE VENUE REQUIREMENT IS SATISFIED

3. Venue of this removal is proper under 28 U.S.C. § 1441 (a) because this Court is the United States District Court for the district and division corresponding to the place where the State Court action is pending.

THE REMOVAL IS TIMELY

4. Plaintiff's Petition was served upon J&M on or about October 28, 2020. This Notice of Removal is filed within thirty (30) days of J&M's receipt of that copy of Plaintiff's Petition, and is thus timely filed under 28 U.S.C. § 1446 (b).

FEDERAL QUESTION

5. According to Plaintiff's Petition, this is an action, in part, for alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), the Missouri Merchandise Practices Act ("MMPA"), and the state common-law counts for abuse of process and wrongful garnishment.

6. Under FDCPA § 1692k (d), this Court has original federal question subject matter jurisdiction of this action without regard to the amount in controversy. In addition, this Court has subject matter jurisdiction of this case and over the parties pursuant to 28 U.S.C. § 1331. This Court also has supplemental jurisdiction over the MMPA count, and the common-law counts of abuse of process and wrongful garnishment, under 28 U.S.C. §1367, as they form part of the same case or controversy as the claims brought under the FDCPA. Accordingly, this action may be removed to this Court, as provided by 28 U.S.C. § 1441(a), (b).

FILING OF REMOVAL PAPERS

7. Under 28 U.S.C. § 1446(d), written notice of the removal of this action has been given simultaneously to Plaintiff's counsel, and a Notice to Clerk of Removal has been simultaneously filed with the Circuit Court of the County of Saint Louis, Missouri.

WHEREFORE, Defendant, J&M Securities, LLC, does hereby remove the above captioned action from the Circuit Court of the County of Saint Louis, Missouri, and requests that further proceedings be conducted in this Court as provided by law.

Dated: November 27, 2020.

Respectfully submitted,

FRANKEL, RUBIN, KLEIN, SIEGEL,
PAYNE & PUDLOWSKI, P.C.

By: /S/ MAYER S. KLEIN
MAYER S. KLEIN, #MO32605
mklein@frankelrubin.com
231 S. Bemiston, Suite 1111
Clayton, Missouri 63105
Telephone: (314) 725-8000
Facsimile: (314) 726-5837

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing documents was filed electronically through the Courts electronic filing system and served upon all counsel of record in the underlying state court lawsuit.

/S/ MAYER S. KLEIN
MAYER S. KLEIN